THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20367 of 2007

Between:

K.Surya Kamala and another. … Petitioners

and

The District Collector and others. … Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20367 of 2007

ORDER:

It is the case of the petitioners that they are running a Poultry Farm under the name and style of Sri Venkata Rama Krishna Poultry Farm in R.S.Nos.497/1 and 497/2 situated at Uyyurivari Meraka Gram Panchayat, Sakhinetipalli Mandal, East Godavari District. The said Poultry Farm has been started after obtaining permission from respondents 2 and 3. It is further stated that they have been taking necessary precautions and measures for running the said poultry farm without allowing any foul smell or causing any pollution in the surroundings. While so, on an application filed by the Public of Ward Nos.10, 11 an 12 of Uyyurivari Meraka Gram Panchayat, Sakhinetipalli Mandal, East Godavari District, before the 2nd respondent, alleging that the petitioners failed to maintain good health condition and causing nuisance to the health of the public residing nearby the Poultry Farm, the recommendations issued by the 2nd respondent in D.Dis.No.5927/G4/89, dated 29-08-1989, for establishment of Poultry Farm has been cancelled directing the 3rd respondent to take appropriate action against Sri Venkata Rama Krishna Poultry Farm, which is causing damage to the Health of the public residing near by the Poultry Farm, through proceedings in Rc.No.854/RHS/07, dated 06-09-2007. Pursuant to the said cancellation order of the 2nd respondent, the 3rd respondent issued notice, dated 18-09-

2007, directing the petitioners to vacate the Poultry Farm within 15 days from the date of notice. Questioning the proceedings, dated 06-09-2007, and the notice, dated 18-09-2007, this writ petition has been filed contending that the 2nd respondent cancelled the earlier recommendations, without giving any notice and opportunity to the petitioners.

It is not in dispute that pursuant to the resolution of the 3rd respondent, the 2nd respondent recommended for grant of licence and accordingly, the 3rd respondent issued licence to the petitioners. But, however, it is the contention of the petitioners that before cancelling any recommendation, the petitioners are entitled for a notice.

Having regard to the facts and circumstances of the case, the writ petition is disposed of treating the impugned order of the 2nd respondent, dated 06-09-2007, as a show-cause notice, directing the petitioners to submit explanation within 15 days from the date of receipt of a copy of this order. On filing such explanation, the 2nd respondent shall consider and pass appropriate orders in accordance with law. There shall be no order as to costs.

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27-09-2007

Prv